

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Final Office Action of March 11, 2009 and the Advisory Action of May 28, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 17-32 are pending in the Application.

In the Final Office Action, claims 17-32 are rejected under 35 U.S.C. §112, first paragraph, as allegedly being indefinite. The Examiner alleges that the limitation "playing downloadable content in coordination with stored media content does not have basis in the application as originally filed." (See page 3, last line to page 4, line 1 of the Final Office Action.) However, at page 3, lines 17-19 the Examiner indicates that "playing the stored media content in coordination with downloadable content" has basis in the application as originally filed. While this interpretation of the contents of the application as filed are respectfully traversed, in the interest of expediting consideration and allowance of the application, claims 17, 20, 25, and 32 are amended in accordance with the Examiner's statement. Therefore, since claims 17-32 are

amended in accordance with the Examiner's position, it seems indisputable that claims 17-32 comply with the written description requirement. Accordingly, withdrawal of the rejection of claims 17-32 under U.S.C. §112, first paragraph is respectfully requested.

In the Final Office Action, claims 17-32 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection of claims 17-32 is respectfully traversed. Further, with regard to claims 17-32, this rejection is now moot in view of the amendment to the claims discussed above. Accordingly, withdrawal of the rejection of claims 17-32 under U.S.C. §112, second paragraph is respectfully requested.

In the Final Office Action, claims 17-19 and 32 are rejected under 35 U.S.C. §101 as allegedly directed to non-statutory matter. The rejection of claims 17-19 and 32 is respectfully traversed. However, in the interest of expediting consideration and allowance of the claims, claims 17 and 32 are amended to depend from independent claims 20 and 25 respectively. Claims 18 and 19 depend from claim 17. Accordingly, it is respectfully submitted that claims 17-19 and 32 are statutory. Accordingly, withdrawal of the rejection of claims 17-19 and 32 under 35 U.S.C. §101 is

respectfully requested.

In the Final Office Action, claims 17, 18, 20, 22-25 and 29-32 are rejected under 35 U.S.C. §103(e) over U.S. Patent No. 6,470,085 to Uranaka ("Uranaka") in view of U.S. Patent Application Publication No. 20040126095 to Tsumagari ("Tsumagari"). Claim 19 is rejected under 35 U.S.C. §103(a) over Uranaka in view of U.S. Patent No. 5,754,648 to Ryan ("Ryan"). Claims 21 and 26-28 are rejected under 35 U.S.C. §103(a) over Uranaka in view of U.S. Patent Publication No. 20020073316 to Collins ("Collins"). These rejections of the claims are respectfully traversed. It is respectfully submitted that claims 17-32 are allowable over Uranaka in view of Tsumagari, Ryan, and Collins for at least the following reasons.

Uranaka describes a system that allows playback of distributed content if the server safeguarding such content is authenticated (see, Uranaka, col. 5, line 58 to col. 6, line 5 and col. 15, lines 57-67).

As recognized by the Applicants of the present application on page 2, lines 1-9 of the specification, systems such as Uranaka that utilize server authentication are not sufficient to safeguard

the contents maintained on the servers because these contents "are stored in the web sever directly without authentication." While it is true, as pointed out in the Advisory Action dated May 28, 2009, in the last paragraph of page 3, that if the data stored on the server can not be authenticated, then the server can not be authenticated, however, it is respectfully submitted that the reverse is not true. As discussed in the specification, authentication of the server does not by itself authenticate the content of that server (e.g., see, present application, page 2, lines 10-19). As discussed in the specification, the server can be authenticated while the data stored on the authenticated server has been maliciously modified.

Tsumagari is cited for its disclosure of content playback and does not disclose any medium embedded key for authenticating content downloaded from websites and as such, does not remedy the deficiency of Uranaka.

It is, therefore, respectfully submitted that the system of claim 20 is not anticipated or made obvious by the teachings of Uranaka in view of Tsumagari. For example, Uranaka in view of Tsumagari do not teach, disclose or suggest, (illustrative emphasis

added) "a control system to verify the authenticity of the downloaded content using the public key read-out from the optical disk before the read-out media content is played in coordination with the associated downloaded content" as recited in claim 20 and as similarly recited in claim 25.

As discussed above, it is respectfully submitted that the process of authenticating a server does ensure that the content stored on the server has not been maliciously modified, as readily appreciated by a person of ordinary skill in the art.

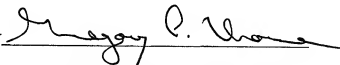
Ryan and Collins, are introduced for allegedly showing elements of the dependent claims and as such, do not cure the deficiencies in Uranaka in view of Tsumagari.

Based on the foregoing, the Applicants respectfully submit that independent claims 20 and 25 are patentable over Uranaka and Tsumagari and notice to this effect is earnestly solicited. Claims 17-19, 21-24, and 26-32 respectively depend from one of claims 20 and 25 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398  
Attorney for Applicant(s)  
June 11, 2009

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101